

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ASHLEY FURNITURE INDUSTRIES, Inc.,

Plaintiff,

v.

No. 1:20-cv-1017 JFR/KRS

FURNITURE PLAZA, Inc.,

Defendant.

ORDER TO SHOW CAUSE

THIS MATTER comes before the Court *sua sponte*. Plaintiff initiated this action on October 5, 2020. Since that time, Plaintiff has taken no action to prosecute this matter or serve Defendant. Under Federal Rule of Civil Procedure 4(m), Plaintiff was required to serve Defendant within ninety days from filing the complaint. Plaintiff has not complied with this rule or requested an extension of time for service of process. Federal Rule of Civil Procedure 41(b) allows the Court to dismiss an action where a party fails to prosecute the party's lawsuit. The record reflects no activity on Plaintiff's part since October 5, 2021.

IT IS THEREFORE ORDERED that **on or before March 3, 2021**, to avoid dismissal of this action, Plaintiff must either effect service or provide the Court with a written explanation showing good cause why service has not been made.



KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE